

UNITED STATES DISTRICT COURT
for the
District Of New Jersey

Daniel M. Risis

)

Case No:

)

)

Plaintiff,

)

Jury Trial: YES_X___ NO___

)

v.

)

)

Fred Daibes, Mariners Bank,

)

Spencer Bank, Jim Solakian

)

Michael McManus

)

Andre Kaydala Esq

)

Mo Phillipsburg Holdings,

)

Porzio Bromberg and Newman P.C.

)

Scura LLP, David Stevens Esq

)

Warren Martin Esq,

)

Washington Street Investments

)

BUPM NJ Assets, Josh Weiner Esq

)

Saldutti Law Group,

)

)

Defendant (s)

)

CLERK
U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
RECEIVED
AUG 10 2023

1. DANIEL RISIS ("PLAINTIFF" OR "RISIS"), both individually and derivatively on behalf of all my LLCs, corporations, business concepts, personal property and real property, as a Pro Se Plaintiff, bring forth this Conspiracy and Fraud Complaint against Defendants Fred Daibes, Mariners Bank, Spencer Bank, Jim Solakian, Michael McManus, Andre Kaydala, Mo Phillipsburg Holdings LLC, Porzio, Bromberg and Newman PC, Scura Wigfield LLP, David Stevens, Warren Martin, BUPM NJ Assets, Josha Weiner, Saldutti Law Group, allege as following;

NATURE OF THE ACTION

2. Complaint for Civil and Federal Penalties; Injunctive and Other Relief; Damages and Fees, Professional Fees, Legal Fees and all other relief as seen just by the court.

JURISDICTION AND VENUE

3. This court has personal jurisdiction over Defendants because Defendant's conduct business in this District and are present in this District for jurisdictional purposes. Thus Defendants have purposefully availed themselves of the benefits of operating in this jurisdiction, and this Court may exercise personal jurisdiction over Defendants.

4. This court has subject matter over this action pursuant to 28 U.S.C. § 1332. Diversity jurisdiction exists because Plaintiff is a citizen of New Jersey and Defendant(s) reside in both New York and New Jersey.

5. This court has subject matter over this action as it exceeds \$75,000.00

PARTIES TO THIS COMPLAINT

6. **Plaintiff:** Daniel M. Risis,
is a resident of New Jersey and
19 Fordham Road
Livingston NJ 07039
(307) 388 - 9165
daniel@mikrobank.com

7. Upon Information and Belief, Defendant 1: Fred Daibes
Daibes Enterprises
125 River Road
Edgewater, NJ 07020
8. Upon Information and Belief, Defendant 2: Mariners Bank
Saldutti Law Group
800 N. Kings Highway
Suite 300
Cherry Hill, NJ 08034
9. Upon Information and Belief, Defendant 3: Spencer Bank
611 River Drive,
Elmwood Park, NJ 07407
10. Upon Information and Belief, Defendant 4: Josh Weiner
53 Cardinal Dr
Westfield, NJ 07090
11. Upon Information and Belief, Defendant 5: Saldutti Law Group LLP
800 N Kings Highway, Suite 300
Cherry Hill NJ 08034
12. Upon Information and Belief, Defendant 6: Porzio Bromberg and NewmanLLP
100 Southgate Parkway
Morristown, NJ 07960

13. Upon Information and Belief, Defendant 7: Warren Martin, Esq.
100 Southgate Parkway
Morristown, NJ 07960
14. Upon Information and Belief, Defendant 8: Scura Wigfield LLP
3 University Plaza
Suite 207
Hackensack, NJ 07601
15. Upon Information and Belief, Defendant 9: David Stevens, Esq.
3 University Plaza
Suite 207
Hackensack, NJ 07601
16. Upon Information and Belief, Defendant 10: BUPM NJ Assets
KRISS & FEUERSTEIN LLP
Daniel N. Zinman, Esq
360 Lexington Avenue, Suite 1200
New York, NY 10017
17. Upon Information and Belief, Defendant 11: Washington Street Investments
Abraham S. Beinhorn, Esq.
JACOBOWITZ NEWMAN TVERSKY LLP
377 Pearsall Avenue, Suite C
Cedarhurst, NY 11516
18. Upon Information and Belief, Defendant 12: Jim Solakian
102 Tuscana Court, Unit 904, Naples, FL 34119
Jsolakian@aol.com
19. Upon Information and Belief, Defendant 13: Andre Kaydala, Esq.
12 Lower Center Street
Clinton, NJ 08809

20. Upon Information and Belief, Defendant 14: Mo Phillipsburg Holdings LLC
130 Lee Ave. #348
Brooklyn, NY 11211-1121

21. Upon Information and Belief, Defendant 15: Michael McManus
Daibes Enterprises
125 River Road
Edgewater, NJ 07020

BASIS FOR JURISDICTION

What is the basis for federal court jurisdiction

Federal Question X

Diversity of citizenship

FEDERAL ISSUES IN THIS CASE

Count One:

42 U.S.C. § 1983 against all defendants, in their individual capacity:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable.

Count Two:

N.J.S.A. § 2C:41-1 et seq., New Jersey Racketeer Influenced and Corrupt Organizations Act ("NJ RICO") against all Defendants

Count Three:

N.J.S.A. § 10:6-2- New Jersey Civil Rights Act

Any person who deprives, interferes or attempts to interfere by threats, intimidation or coercion with the exercise or enjoyment by any other person of any substantive due process or equal protection rights, privileges or immunities secured by the Constitution or laws of the United States, or any substantive rights, privileges or immunities secured by the Constitution or laws of this State is liable for a civil penalty for each violation.

Count Four:

N.J.S.A. § 10:6-1 et seq., New Jersey Civil Rights Act

If a person, whether or not acting under color of law, subjects or causes to be subjected any other person to the deprivation of any substantive due process or equal protection rights, privileges or immunities secured by the Constitution or laws of the United States, or any substantive rights, privileges or immunities secured by the Constitution or laws of this State, the Attorney General may bring a civil action for damages and for injunctive or other appropriate relief. The civil action shall be brought in the name of the State and may be brought on behalf of the injured party. If the Attorney General proceeds with and prevails in an action brought pursuant to this subsection, the court shall order the distribution of any award of damages to the injured party and shall award reasonable attorney's fees and costs to the Attorney General. The penalty provided in subsection e. of this section shall be applicable to a violation of this subsection.

Count Five:

18 U.S. Code § 1344 - Bank fraud:

Whoever knowingly executes, or attempts to execute, a scheme or artifice—
(1) to defraud a financial institution; or (2) to obtain any of the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a

financial institution, by means of false or fraudulent pretenses, representations, or promises; shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

Count Six:

18 U.S.C. § 152(7) and § 152(1)- Fraudulent Transfer or Concealment:

As indicated previously the concealment of property can be charged under either 18 U.S.C. § 152(7) or § 152(1). An important difference between these two paragraphs is that subsection (7) is not restricted to property of the bankruptcy estate.

Subsection (7) provides:

A person who...in a personal capacity or as an agent or officer of any person or corporation, in contemplation of a case under title 11 by or against the person or any other person or corporation, or with intent to defeat the provisions of title 11, knowingly and fraudulently transfers or conceals any of his property or the property of such other person or corporation;...shall be fined..., imprisoned..., or both.

The elements of the offense under subsection (7) which the government must prove are:

1. the defendant fraudulently transferred or concealed the defendant's property or the property of another; and
2. such act of transfer or concealment was done with the intent to defeat the provisions of Title 11, or in contemplation of a case under Title 11.

Subsection (7) of Section 152 reaches both pre-petition and post-petition transactions and prohibits not only concealment of assets, but also transfers of assets. "Transfers or conceals" is to be read in the disjunctive so that proof of either in conjunction with the other elements of the offense is sufficient. Concealment is not a necessary element of a prohibited transfer. *Burchinal v. United States*, 342 F.2d 982, 985 (10th Cir.), cert. denied, 382 U.S. 843 (1965).

To the extent this statute prohibits the concealment of property of a bankruptcy estate, this subsection overlaps with subsection (1). However, subsection (7) is not limited to property of the bankruptcy estate. This statute prohibits a defendant, with the requisite intent, from transferring or concealing "any of his property or the property of such other person or corporation." Therefore a pre-petition concealment or transfer, with the necessary intent, of the defendant's own property is prohibited. For example, the disposal of an individual debtor's prepetition property with the intent to defeat the provisions of the Bankruptcy Code would be covered. Moreover, the property which is concealed or transferred does not have to be property of the defendant. For example, an individual could transfer or conceal property of a corporation.

NOTE: Subsection (7) does not specify from whom the property must be concealed. It is safe to assume that the same group listed in subsection (1)-- a custodian, United States Trustee, United States Marshal, or other officer of the court-- would be included but others interested in the bankruptcy may also be included.

NOTE: In addition to being done "knowingly and fraudulently" under subsection (7), the concealment or transfer of the property has to be done with a special *mens rea*.

The special *mens rea* required is that the concealment or the transfer be done either (1) in contemplation of the filing of a bankruptcy case, or (2) with the intent to defeat the provisions of the Bankruptcy Code. The first alternative *mens rea*-- that the concealment or the transfer was done in contemplation of the filing of a bankruptcy case -- requires proof of a connection between the defendant's actions and the filing of the bankruptcy case. In most cases this is not a problem since the defendant frequently controls both the acts in question and the filing of the bankruptcy petition. In the case of an involuntary bankruptcy, however, the necessary connection between the bankruptcy filing and the defendant's actions may be harder to prove. Frequently, inferences based upon statements about the defendant's financial condition or attempts to avoid creditor collection efforts can establish that the acts in question were done in contemplation of a bankruptcy case. *United States v. Haymes*, 610 F.2d 309 (5th Cir. 1980)(statements that company would go bankrupt unless sales were increased and that any money left in the company's account would be tied up in the bankruptcy were admissible to establish that the transfers were in contemplation of bankruptcy).

The second alternative *mens rea*-- that the concealment or the transfer was done with the intent to defeat the provisions of the Bankruptcy Code-- requires that defendant's actions lessen or reduce the bankruptcy estate. In the context of an 18 U.S.C. § 152(5) violation, the Tenth Circuit defined the intent to defeat the provisions of the Bankruptcy Code as follows:

[T]he provisions of Title 11 of the Bankruptcy Law are defeated when a person without Court approval acts in a manner that diminishes the estate of the debtor, and thus interferes with the equitable use of distribution of any material part of the assets of the estate.

United States v. Cardall, 885 F.2d 656, 678 n. 43 (*reh'g denied*)(10th Cir. 1989).

NOTE: The concealment of the assets of a debtor is a continuing offense. The statute of limitations does not begin to run until the debtor is granted or denied a discharge. See this Manual at 869 Statute of Limitations: 18 U.S.C. § 3284.

Count Seven:

18 U.S.C. § 371- Conspiracy to Defraud the United States

The general conspiracy statute, 18 U.S.C. § 371, creates an offense "[i]f two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose. (emphasis added). See Project, *Tenth Annual Survey of White Collar Crime*, 32 Am. Crim. L. Rev. 137, 379-406 (1995)(generally discussing § 371).

The operative language is the so-called "defraud clause," that prohibits conspiracies to defraud the United States. This clause creates a separate offense from the "offense clause" in Section 371. Both offenses require the traditional elements of Section 371 conspiracy, including an illegal agreement, criminal intent, and proof of an overt act.

Although this language is very broad, cases rely heavily on the definition of "defraud" provided by the Supreme Court in two early cases, *Hass v. Henkel*, 216 U.S.

462 (1910), and *Hammerschmidt v. United States*, 265 U.S. 182 (1924). In *Hass* the Court stated:

The statute is broad enough in its terms to include any conspiracy for the purpose of impairing, obstructing or defeating the lawful function of any department of government . . . (A)ny conspiracy which is calculated to obstruct or impair its efficiency and destroy the value of its operation and reports as fair, impartial and reasonably accurate, would be to defraud the United States by depriving it of its lawful right and duty of promulgating or diffusing the information so officially acquired in the way and at the time required by law or departmental regulation.

Hass, 216 U.S. at 479-480. In *Hammerschmidt*, Chief Justice Taft, defined "defraud" as follows:

To conspire to defraud the United States means primarily to cheat the Government out of property or money, but it also means to interfere with or obstruct one of its lawful governmental functions by deceit, craft or trickery, or at least by means that are dishonest. It is not necessary that the Government shall be subjected to property or pecuniary loss by the fraud, but only that its legitimate official action and purpose shall be defeated by misrepresentation, chicanery or the overreaching of those charged with carrying out the governmental intention.

Hammerschmidt, 265 U.S. at 188.

The general purpose of this part of the statute is to protect governmental functions from frustration and distortion through deceptive practices. Section 371 reaches "any conspiracy for the purpose of impairing, obstructing or defeating the lawful function of any department of Government." *Tanner v. United States*, 483 U.S. 107, 128 (1987); see *Dennis v. United States*, 384 U.S. 855 (1966). The "defraud part of section 371 criminalizes any willful impairment of a legitimate function of government, whether or not the improper acts or objective are criminal under another statute." *United States v. Tuohey*, 867 F.2d 534, 537 (9th Cir. 1989).

The word "defraud" in Section 371 not only reaches financial or property loss through use of a scheme or artifice to defraud but also is designed and intended to

protect the integrity of the United States and its agencies, programs and policies.

United States v. Burgin, 621 F.2d 1352, 1356 (5th Cir.), cert. denied, 449 U.S. 1015 (1980); see *United States v. Herron*, 825 F.2d 50, 57-58 (5th Cir.); *United States v. Winkle*, 587 F.2d 705, 708 (5th Cir. 1979), cert. denied, 444 U.S. 827 (1979). Thus, proof that the United States has been defrauded under this statute does not require any showing of monetary or proprietary loss. *United States v. Conover*, 772 F.2d 765 (11th Cir. 1985), aff'd, sub. nom. *Tanner v. United States*, 483 U.S. 107 (1987); *United States v. Del Toro*, 513 F.2d 656 (2d Cir.), cert. denied, 423 U.S. 826 (1975); *United States v. Jacobs*, 475 F.2d 270 (2d Cir.), cert. denied, 414 U.S. 821 (1973).

Thus, if the defendant and others have engaged in dishonest practices in connection with a program administered by an agency of the Government, it constitutes a fraud on the United States under Section 371. *United States v. Gallup*, 812 F.2d 1271, 1276 (10th Cir. 1987); *Conover*, 772 F.2d at 771. In *United States v. Hopkins*, 916 F.2d 207 (5th Cir. 1990), the defendants' actions in disguising contributions were designed to evade the Federal Election Commission's reporting requirements and constituted fraud on the agency under Section 371.

The intent required for a conspiracy to defraud the government is that the defendant possessed the intent (a) to defraud, (b) to make false statements or representations to the government or its agencies in order to obtain property of the government, or that the defendant performed acts or made statements that he/she knew to be false, fraudulent or deceitful to a government agency, which disrupted the functions of the agency or of the government. It is sufficient for the government to prove that the defendant knew the statements were false or fraudulent when made. The government is not required to prove the statements ultimately resulted in any actual loss to the government of any property or funds, only that the defendant's activities impeded or interfered with legitimate governmental functions. See *United States v. Puerto*, 730 F.2d 627 (11th Cir.), cert. denied, 469 U.S. 847 (1984); *United States v. Tuohey*, 867 F.2d 534 (9th Cir. 1989); *United States v. Sprecher*, 783 F. Supp. 133, 156 (S.D.N.Y. 1992) ("it is sufficient that the defendant engaged in acts that interfered with or obstructed a lawful governmental function by deceit, craft, trickery or by means that were dishonest"), modified on other grounds, 988 F.2d 318 (2d Cir. 1993).

In *United States v. Madeoy*, 912 F.2d 1486 (D.C. Cir. 1990), cert. denied, 498 U.S. 1105 (1991), the defendants were convicted of conspiracy to defraud the government and other offenses in connection with a scheme to fraudulently obtain loan commitments from the Federal Housing Administration (FHA) or Veterans Administration (VA). The court held that the district court had properly instructed the jury that:

the Government must prove beyond a reasonable doubt the existence of a scheme or artifice to defraud, with the objective either of defrauding the FHA or the VA of their lawful right to conduct their business and affairs free from deceit, fraud or misrepresentation, or of obtaining money and property from the FHA by means of false and fraudulent representations and promises which the defendant knew to be false.

Madeoy, 912 F.2d at 1492.

Prosecutors considering charges under the defraud prong of Section 371, and the offense prong of Section 371 should be aware of *United States v. Minarik*, 875 F.2d 1186 (6th Cir. 1989) holding limited, 985 F.2d 962 (1993), and related cases. See *United States v. Arch Trading Company*, 987 F.2d 1087 (4th Cir. 1993). In *Minarik*, the prosecution was found to have "used the defraud clause in a way that created great confusion about the conduct claimed to be illegal," and the conviction was reversed. 875 F.2d at 1196. After *Minarik*, defendants have frequently challenged indictments charging violations of both clauses, although many United States Courts of Appeals have found it permissible to invoke both clauses of Section 371. *Arch Trading Company*, 987 F.2d at 1092 (collecting cases); see also *United States v. Licciardi*, 30 F.3d 1127, 1132-33 (9th Cir. 1994)(even though the defendant may have impaired a government agency's functions, as part of a scheme to defraud another party, the government offered no evidence that the defendant intended to defraud the United States and a conspiracy to violate an agency regulatory scheme could not lie on such facts).

Count Eight:

Common Law Civil Conspiracy against all Daniel M. Risis (both individually and derivatively)

If two or more persons agree to effect an unlawful purpose, whether as an end or as a means to an end, and in the carrying out of that agreement damage is caused to another, then those who have agreed are parties to a tortious conspiracy.

Count Nine:

N.J.S.A. § 56:8-1 et seq., New Jersey Consumer Fraud Act ("NJ CFA")

The New Jersey Consumer Fraud Act provides New Jersey consumers with extensive protection from deceptive and fraudulent business practices. It was enacted in 1960 with three purposes: 1) compensate the victims; 2) punish and deter fraudulent business practices; and 3) provide an incentive for competent attorneys to handle consumer protection matters. The Act achieves these goals by providing consumers with remedies such as treble damages (three times the regular damages), attorney fees and costs.

Count Ten:

Breach of Contract and Implied Covenant of Good Faith and Fair Dealing

Implied covenant of good faith and fair dealing (often simplified to good faith) is a rule used by most courts in the United States that requires every party in a contract to implement the agreement as intended, not using means to undercut the purpose of the transaction. The rule applies in the performance of a contract, not to the negotiation of the contract, and the rule applies to generally any contract automatically without being stated in the agreement.

Count Eleven:

Tortious Interference against all named defendants and their entities

Tortious interference is a common law tort allowing a claim for damages against a defendant who wrongfully interferes with the plaintiff's contractual or business relationships.

Count Twelve:

Truth in lending ACT Violations

15 U.S.C. §§ 1601-1667f,

This Act (Title I of the Consumer Credit Protection Act) authorizes the Commission to enforce compliance by most non-depository entities with a variety of statutory provisions. Among other requirements, the Act requires creditors who deal with consumers to make certain written disclosures concerning finance charges and related aspects of credit transactions (including disclosing an annual percentage rate) and comply with other mandates, and requires advertisements to include certain disclosures. The Act has been amended on numerous occasions, adding requirements for credit cards and open-end credit; for mortgage credit such as ability to repay standards, loan origination, anti-steering, appraisal independence, and mortgage servicing; and others. A number of laws amending and enforced under this Act are listed separately.

AMOUNT IN CONTROVERSY

22. \$100,000,000.00 (One Hundred Million Dollars)

STATEMENT OF CLAIM

23. In the spring of 2018, I took on two loans from Mariners Bank without knowing that they were the subject of criminal investigation. The broker who engaged in the transactions fully knew of the facts of who he was giving me as a lender and what their current status was legally. All of this was ignored by anyone who had knowledge of the facts and I blindly signed over to loans to a criminal enterprise known as Mariners Bank. Subsequently those two loans were fraudulently defaulted, and the COVID-19 virus was used as an excuse as time progressed, I was not able to obtain any financial structure to refinance my entities

due to a frivolous, default judgment that was placed on me as a direct result of my attorney, Josh Weiner, never participating in the case after I signed a retainer agreement hiring him. The other events and actions that happened after the Mariners defaults are all directly related to my legal attempt to resolve this conflict. The actors in this lawsuit took full advantage of the fact that I had no knowledge of the criminal activities of Fred Daibes, and I reached out to additional hard money lenders, who then did the same exact thing to Mr. Dabies did.

24. The rest of this case stems around a hard money lender named Jim Solakian, and the countless attorneys that have supported the criminal activities by these two lending institutions. Mariners Bank sold loans at a discount to Spencer Bank, who then sold loans at an extreme discount to unrelated, third parties in order to “pass the buck” and move the liability along to a person who can easily deny all their actions since they can say “I just bought a loan, I don’t know what Daniel is talking about.”

25. This very convenient and unlawful argument will be the primary defense for the people that have attempted to profit off of criminal activity. The root of this complaint is that I am a victim of criminal activity, and rather than helping me or assisting me in any way, all the attorneys that I have turned to or were against me, took full advantage of the fact that I was also dealing with a personal matter where my mother robbed me of \$6 million after spending 20 years building a business for her .

26. I was very vocal and forthcoming regarding my issues on YouTube and the lawyers that took my cases carefully followed the YouTube channel and watched as I honestly talked about my problems. Rather than assisting me, the lawyers involved, ignored my allegations, and only focused on my weak points, since I had run out of cash, and was not able to represent myself properly in court.

27. This case is about money, respect and tolerance of illegal activities. The statement of facts revolves solely around a domino effect that was triggered by the first and second mortgage defaults by Mariners bank, which were done in conjunction with a massive criminal case that the owner of Mariners Bank was dealing with. This was my first time dealing with anything of this nature and my lack of experience caused me to turn to several law firms for protection. Those law

firms took full advantage of my inability to manage multiple frivolous litigations, and rather than helping me, they hurt me immensely by charging massive amounts of legal fees without a single shred of results.

28. When you look at the facts, you clearly see that I am indebted to multiple law firms who have not only hurt me and committed malpractice as well as fraud against me. They also have turned their bills into liabilities since the concept of understanding that they hurt their client much more than help. Their client is not something that is within the business model of modern day attorneys.

29. This lawsuit is filed by necessity, and not by will. I had no intention of spending the next few years in litigation, in order to prove that I am a victim of a seven digit crime, which realistically is more like a nine digit crime, because there are so many people involved that committed millions and millions of dollars in fraud against me.

30. The \$100 million that I have placed as the value for the damages is maybe 1/10 the actual value that occurred because my entire life revolves around real estate as well as being able to launch my two business concepts that I've spent 30 years perfecting. Cash Cow Storage is the world's first interactive storage system. Mikrobank is the future of modern day macro and micro lending, which I learned through operating the largest chain of pawnshops for over a decade and understanding what the consumer needs. The consumer needs education, and education is the reason why I'm here.

31. Had I known that attorneys have this much power in a post Covid world I never would have engaged in any of the litigation that I have engaged in with attorneys, since I found out the hard way that lawyers and judges work very closely together to keep defendants, as well as pro se litigants out of the courtroom at all costs, because this will undermine and brake the system that is designed for clients to pay immense amount of money in exchange for very little results.

32. This case is a criminal matter that has gone so far and being ignored that it is turned into a nine digit lawsuit, which will never end until the actors involved confess to their crimes or a court of law holds them fully accountable for what they have done.

33. Accountability numbers accounting

34. Three words that will define this case as it progresses since none of those three words can actually be provided to me without massive amounts of distractions and frivolous litigation to keep me out of court and keep the numbers out of my hands.

35. Numbers are the most important thing in this case because they do not lie since we're dealing with billions of dollars in legal expenses that these actors can put forth in order to prevent themselves from being held accountable for their actions.

36. The statement of facts goes hand-in-hand with the actors and their roles that they have played in the destruction of Daniel M. Risis both professionally and personally.

37. Had it not been for the actions of these men, as well as the actions of the other lawsuits that I was forced to file at this time, I most likely would be worth around a quarter of a billion since I had multiple parties interested in injecting tens of millions of dollars in my business concepts, while using my real estate as collateral.

38. My real estate has been taken away from me by force and through fraudulent conveyance of title, and all this is in conjunction, with court orders that were approved since the courts were all separated, and there was never one single venue they can place all the facts together, and put this insane puzzle of a case before the courts so that the courts can put it all together and see the true picture of what's going on.

List each wrongdoer, other than named defendants, and state the misconduct of each such wrongdoer.

39. This threshold was met in detail and there are other members of this complaint group, and I reserve the right to add them at a later time. There is no fact that will be left out at the discovery portion of this case and due to the complexity of this case. I will require a series of motions and subpoenas from banking institutions as well as cell phone providers to get the rest of the evidence needed should the defense even try to deny anything this Complaint alleges.

List each victim and state how each victim was injured.

40. Currently, the only victim in this Case is Daniel M. Risis and the total loss financially is \$100,000,000.00 currently. The mental anguish and the actions of the defendant(s) have caused is not quantifiable due to the fact that they caused me mental trauma, and the collapse of my professional and personal life as a direct result of the defendant(s) actions.

The dates of the predicate acts, the participants in the predicate acts, and a description of the facts surrounding the predicate acts:.

41. This all began 2018 and has continued to today August 3, 2023

State whether the predicate acts relate to each other as part of a common plan.

42. The direct actions of the conspirators has destroyed my credibility as well as my ability to generate any income by virtue of SEVERAL unlawful, illegal and in total violation of every "Fair Lending Act and Truth in Lend Act" by law imaginable. One

of the biggest damages that I have is that I, as a professional real estate investor and developer, had to personally declare bankruptcy due to the fraud committed by the individuals named in this complaint.

43. This completely decimated me both financially and emotionally since this is one of the main reasons I had a full, documented Mental Breakdown. I tried to show my doctor's recommendations, and against all legal reasons or even basic human rights, all cases against me proceeded nor did the state court respect the importance of mental health and working with professionals.

44. My honesty was used against me and people called me "crazy" and "Mental" while I am trying to raise my two small boys, keep my businesses alive and sustain a balance of mind and stress.

45. I failed and had a mental breakdown and the courts ignored the medical letters and proceeded to allow creditors default rights since I was not in a mental state to defend myself at the time.

Describe how the predicate acts form a "pattern of racketeering activity"; and:

46. By Virtue of literally definition of "Pattern of Racketeering"

(a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a pattern of racketeering activity or through collection of an

unlawful debt in which such person has participated as a principal within the meaning of section 2, title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce. A purchase of securities on the open market for purposes of investment, and without the intention of controlling or participating in the control of the issuer, or of assisting another to do so, shall not be unlawful under this subsection if the securities of the issuer held by the purchaser, the members of his immediate family, and his or their accomplices in any pattern or racketeering activity or the collection of an unlawful debt after such purchase do not amount in the aggregate to one percent of the outstanding securities of any one class, and do not confer, either in law or in fact, the power to elect one or more directors of the issuer.(b) It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.(c) It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.(d) It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section.

18 U.S.C. § 1962

Describe how the predicate acts form fraud:

47. By Virtue of literally definition of Fraud: wrongful or criminal deception intended to result in financial or personal gain. Every single one of the defendants

mentioned in this lawsuit has committed FRAUD against me, the Plaintiff, Daniel M. Risis.

State whether the predicate acts relate to each other as part of a common plan. If so, describe the common plan in detail.

48. The individuals involved in this plan all had their financial interests in mind with the destruction of Daniel M. Risis. By removing me and my properties, or businesses, from their lives and their financial equations it was of great benefit to all of them involved.

49. Even to this day, almost every person who has defrauded me continues to operate in the very same business. The links are obvious and clear. There is no person reading this that can not comprehend that this entire effort is impossible to orchestrate unless it's coordinated carefully in the back end with one goal in mind.

“Take DOWN Dan Risis”

LIST OF DEFENDANTS AND THEIR ROLES:

50. Defendant 1: Fred Daibes (Individual)

ROLE:

This man is a criminal. This is nothing more than a second round of his criminal prosecutions, which now will come to light while me, and several other victims have a chance to work with the prosecutor's office. My testimony on this man is limited because there's a criminal investigation that is on going, and I will submit several pieces of evidence there in the

public domain right now, which represent what is happening to this man, post federal conviction for felonies.

51. Defendant 2: Mariners Bank (Corporation)

ROLE:

Regarding this actor, please note that Mariners bank is a \$1 billion bank, which is (and has been) engaged in criminal activity for the entire time that I was a client of this bank. At no time have any law-enforcement agencies held the principal of mariners bank or its agents legally accountable for the fraud they committed while they use corona as an excuse to shut the bank down illegally and stop taking payments from me in conjunction with my properties. Mariners bank strategically used the COVID-19 pandemic to shut down their retail branches and their back office operations, and then filed a foreclosure lawsuit against me in order to clean up their portfolio to prep it to be sold to Spencer Bank. At the time of my trial, the conviction for the owner was not public yet, so I was not able to use it as evidence for a more meritorious Defense. Both Mariners bank, and Spencer Bank acted identically in their irresponsibility of managing my debt as the banking entity, and as per countless banking regulations that they are required to follow while servicing the loan.

52. Defendant 3: Spencer Bank (Corporation)

ROLE

Spencer Bank was made fully aware of Mariners bank, criminal activity. Yet, they proceeded to purchase my debt from Mariner Bank. Alex Marin, one of the directors of Spencer Bank, personally met with me at my Wayne plaza, and worked directly with another one of my lenders in order to undermine the legal process that I had to refinance the plaza. Spencer Bank will pretend like they had no knowledge of any of this until you see the emails between myself and Alex Marin, who I clearly identify is about to buy debt related to criminal activity. Spencer Bank ignored any of this, and proceeded with more frivolous litigation against me and my companies, and when I identified all of this in Federal Court, Spencer Bank immediately sold both of my loans at a massive discount with zero interest charge to the people that bought the

loans. When I had made the same request to buy these loans out, they denied it in full and even spent hundreds of thousand dollars in legal fees which they all wrote off in order to avoid dealing with me in court. Spencer Bank should not have a banking charter based on their activities in conjunction with the Mariners Bank transaction because Spencer Bank assisted Mariners bank in avoiding federal regulations that require ordering and compliance before a debt is transferred from one banking Anthony another, especially when the reason for the transfer the debt is based on criminal activity that the first bank conducted. I am tired of listening to excuses where people say that they don't know or were not made aware of, and I have countless emails that support that Spencer Bank was fully aware of what they were doing and why they sold both loans at a massive discount. They got caught, and they wanted nothing to do with their mistakes. In New Jersey, as well as the United States, banking institutions must be held fully accountable for their actions, and this case is a clear example of how corporations cannot simply hide by avail of attorneys, as they systematically destroy their clients ability to restructure, since it is in their best interest to rack up legal fees and expenses in conjunction with a fake foreclosure

53. **Defendant 4: Josh Weiner, Esq. (Individual)**

ROLE: Attorney for Coughlin Duffy

Mr. Weiner was my attorney for many years. Mr. Weiner "Josh" has been a friend of mine for over 30 years. We were in the same karate school for many years and went to Livingston High school together. Josh Weiner belongs to Cedar Hill Country Club where I was a member. Josh Weiner is an employee labor attorney and his practice was purchased by Coughlin Duffy along with all of his cases and his father's cases. I hired Josh Weiner strictly for the purposes of being a labor attorney, and he convinced me that because of his vast services that he has access to in Coughlin Duffy. He would be the best attorney to represent me in multiple other matters. Hiring Josh Weiner, as my counsel, was one of the greatest mistakes of my life and I will be paying for it for a long time. At the time that I hired Josh Weiner, I had no knowledge

of his lack of ability to understand any aspects of the law outside of his expertise. At the time of my Dalex bankruptcy, I was not aware of the fact that Josh Weiner not only never submitted a representation of counsel for the Dalex matter, he also ignored all aspects of his legal responsibility to service the lawsuit since he used the "Covid Excuse" to say that one of his lawyers at Coughlin Duffy simply quit in the middle of Covid without telling anyone and never responded to any of the lawsuits. The lack of awareness and legal responsibility led to a default judgment being placed against both my company as well as me personally. That alone is enough for a lawsuit yet what Josh Weiner did is even worse than just that. Josh Weiner also represented me personally, as well as my mother and her company in conjunction with a lawsuit brought against us by Oleg Niezvesny. Rather than listening to my direction as the client, Josh Weiner engaged in settlement negotiations which far reached beyond anything he was authorized to do. Josh Weiner also committed to a settlement agreement which I was not interested in doing. Based on his representation and his agreement against my best wishes, Judge Faulk sided with the plaintiff and forced me into a settlement that I had no interest in doing. Within months of the settlement that I was forced to engage in I was then fired from my mothers company and robbed of millions of dollars yet none of that was ever taken into consideration for the fact that I only settled or engaged in settlement discussions because I was acting in a professional capacity as the managing Director of Daniel Markus Inc. DBA Perfect Pawn.

54. **Defendant 5: Saldutti Law Group LLP (Corporation)**

ROLE: Attorneys for Mariners Bank

Unfortunately, there are many many great attorneys in the state of New Jersey yet this lawsuit will highlight a dozen or so criminals disguised as attorneys who use their long-standing relationship with the courts and their intricate knowledge of the legal system in order to cover up their clients criminal activities and even engage in criminal activities themselves in order to further their agenda. The Saldutti law group in particular Robert Saldutti broke countless laws, and engaged in some of the most vexatious litigation in the history of collections. The Saldutti Law Group is what's known as a "foreclosure mill". Robert Saldutti is an absolute expert and makes sure that

his clients best interests are protected by any means necessary For the purposes of my case, Robert Saldutti represented a criminal known as Fred Dabies who owned Mariners Bank. Then the Saldutti Law Group represented Spencer Bank who bought the loans from Mariners Bank in order to shield Mariners Bank from the criminal liability that they are sure to face in this matter. The Saldutti Law Group brought countless laws and acted far beyond the reach of anything that is ethical or legal when it comes to collections or foreclosures, or any banking related legal matters. By way of example, I want to point out the fact that, at the time of the bankruptcy, I had multiple lenders ready to refinance the Dalex Plaza. On the eve of the refinancing paperwork, being signed a car drove through my plaza, smashing through the entire front facade of it. The storefront was brand new, and all the side work was brand new. The insurance was "forced placed" by the Saldutti Law group on behalf of their client. The Saldutti Law firm refused to cooperate, even though they were charging me an immense amount of money for the insurance. By not cooperating with the repair, the lender walked from the deal, which then destroyed my ability to refinance the plaza and subsequently forced me into corporate bankruptcy. At the bankruptcy hearings, Robert Saldutti, as well as his attorneys, lied countless times, in order to protect Mariners Bank and its criminal owner, and denied any criminal allegations that were all being made public at the time of the bankruptcy. Bankruptcy is a court of equity and not the right venue. Criminal matters that affect my professional and financial life. There's a lot more than I want to say regarding this law firm, as well as the countless other law firms, but once you see the emails and communications, and more importantly, the lack of response to very direct and basic communications in favor of motion practice, you were clearly see that these lawyers have acted far beyond their ethical ability and have no viable legal defense for their actions. This lawsuit is their worst nightmare, since it affects their ability to continue to act in a criminal fashion, while pretending to be doing their jobs. That's what every lawyer says when they're caught with her hand in the cookie jar.. "I was just doing my job" yet the reality is that by doing their jobs, they committed crimes so if an attorney is entitled to commit crimes simply by virtue of a license to practice law, then we as a country, have absolutely zero hope for the next generation since lawyers are now running to court room versus

judges, and the public, which is what the US constitution designed for us as a nation.

55. **Defendant 6: Porzio Bromberg and Newman LLP (Corporation)**

ROLE: Law Firm for Dalex Development/Daniel Risis

This law firm deserves 20 to 30 pages being written regarding how they have become the largest and most prominent bankruptcy firm in the state yet what they have done to me is literally criminal. I want to introduce the firm as well as their long-standing reputation, for being the most reputable bankruptcy firm in the state. That is why I hired Porzio in order to represent me in my first actual bankruptcy filing on behalf of one of my corporations, as a direct result of being a victim of fraud. I thought I was hiring a friend and a confidant, who is an expert in the law, but what happened in reality was that I was fooled into releasing all of my equity in my Plaza in order for the US trustee to approve the retention of Porzio. My bankruptcy plan was laughed at by the courts and I was saddled with a quarter million dollars in legal fees. The law firm did not respond to a single email or communication post dismissal. In front of countless witnesses as well as multiple emails this law firm presented nothing more than a series of lies to me, which then they were awarded a quarter of a million dollars and their entire argument is that they were doing their jobs. I cannot sell my properties due to a judgment that the law firm that I hired to protect me has gone against me because of unlawful and illegal business practices which have been tolerated due to their reputation as being a good law firm. Once again, I can write 40 at least on what this law firm has done to me personally, as well as I will be producing over 200 emails between myself in this firm, which show the validity of my claim. It is virtually impossible to understand how all these firms are connected, unless you look at the entire complaint, and understand that these are nothing more than pieces of a puzzle that came together, in order to destroy me both professionally, and personally in order to take all of my assets, and ignore my claims that I have that led me to this horrible position I am in. It is imperative that the world sees that a law firm's reputation is very dangerous when given to lawyers who refuse to act ethically. I take full responsibility for how naïve I was in believing that a law firm would actually protect me, and do what they said. After four bankruptcies, I have quickly

realized that the attorneys involved in bankruptcies have no interest in helping or assisting anyone other than making sure that their bills are covered and paid, and it wasn't until the case was dismissed and I realized that I was a victim of fraud that I understood how the game works.

56. **Defendant 7: Warren Martin, Esq. (Individual)**

ROLE: Attorney at Porzio Bromberg representing Dalex Development/Daniel Risis

Porzio is a law firm with hundreds of attorneys yet my attorney, Warren Martin personally met with me and my assistant on multiple occasions and spewed nothing but lies in order for me to sign over my equity so that he and his firm can secure their legal fees. Warren has over 30 years of legal experience and has absolutely zero excuse for what he has done before the dismissal, and even less of an excuse of how his firm has acted after the dismissal, and after they were awarded their legal fees. until you see the emails and communications you will not believe what I'm saying due to the long-standing relationship. This firm has with the courts and their reputation amongst the consumer public. Warren Martin is a human being and must be held accountable for his actions outside of his professional capacity, since there are many attorneys at Porzio, who, never in a million years would ever do anything what Warren Martin and it is very important that he is held personally liable outside of his professional role since what he has done to me is on a personal basis, and not just in his capacity as an attorney.

57. **Defendant 8: Scura Weigfield LLP (Corporation)**

ROLE: Law Firm for Market Street Holdings LLC/Daniel Risis

After I realized that Porzio took full advantage of me, I was forced to file yet another bankruptcy in conjunction with Mariners Bank. This time I used the second biggest bankruptcy firm in the state, namely, the "Scura" law firm, and David Stevens, is the lawyer that represented me and my companies in federal court. SCURA, fully abandoned all responsibilities that they had to me. David Stevens submitted a false declaration to the courts, which was a bold face lie, in order to try and get out of the case. Judge Sherwood caught

him in a lie and he was forced to stay in the case yet what he did not do was work as an attorney. This court will see countless emails where I ask Mr. Stevens questions and give him direct responses to any questions he has yet nothing was properly filed, completed or submitted on my behalf. Due to Mr. Stevens and SCURA's, lack of ethical conduct, I was forced to file personal bankruptcy at which point David Stevens fully abandoned me and the companies since he felt that the personal bankruptcy supersedes any of the corporate bankruptcies. This is not true and I proved this in bankruptcy court and I will now prove this in front of your court. As a present to you just the actors involved I want to remind you that although it might seem like I have a problem with every lawyer I've ever met. I want to remind this court that I have made tens of millions of dollars on my mothers behalf, as well as I am the owner of over 17 properties which all produced significant income and I worked with hundreds of law firms in my 20 something years, a professional experience. What you see before you, as nothing more than the results of a post Covid world where attorneys can simply do whatever they choose to do with absolutely zero ramifications. This lawsuit will end this standard since it will highlight the unethical treatment of clients that many attorneys find themselves doing on a daily basis, since there is no legal repercussions, currently in place for attorneys that commit malpractice since the practice of motion will supersede and whitewash any malpractice lawsuit as evidence by my attempted lawsuit against Josh Weiner. I will never file another malpractice lawsuit again in my life, since malpractice is nothing more than protection for an attorney, and there are entire insurance policies designed to protect the attorneys from making mistakes. What happened to me was not a mistake.

My issue with the law firms involved is that they all communicated together and worked very closely together to undermine my rights in court, in order to absolve themselves of any liability due to their inability to defend me properly. Your Honor, please take a look at the complexity of this case, and please understand the lawyers are businessmen first. Dealing with me became increasingly impossible for attorneys, who only calculate their worth based on how many billable hours they can produce. I am not a client they can be taken advantage of therefore, I am not someone who attorneys want to use and work with since I will not allow for attorneys to discredit the

courts and myself as a client as evidenced by David Stevens, and his attempted fraud that he presented to the court in the form of a declaration he made by stating that I never paid his law firm. I paid David Stevens, yet he was allowed to submit a false declaration nor were his actions held in conjunction with the decision that was made in regards to the property. I was held responsible for hiring a bad lawyer, and Judge Sherwood took his side. Your Honor how can I as a client be responsible for my attorneys actions if my attorneys do not even listen to me in the regular matters let alone when they are committing fraud against me. I have all the evidence and proof that show my allegations are not only true, but substantiated by discovery and facts, which I look forward to presenting in front of the court.

58. **Defendant 9: David Stevens, Esq. (Individual)**

ROLE: Attorney at Scura representing Market Street Holdings/Daniel Risis

As mentioned above David Stevens personally submitted a declaration to a federal judge, which was a complete lie, and was an attempt to destroy my chances in bankruptcy. David Stevens had a plan and it worked. The plan was to ignore all of his ethical responsibilities in order to eventually be rid of his relationship with me, Daniel M. Risis. This is all done after he took my money and presented himself as my attorney in court. As I write before you today I lost my building as well as I have not received one dollar from the \$800,000 in equity that I had in the building at the start of my bankruptcy. This is what David Stevens will do if you hire him. Everyone should know the truth about my case nor should David Stevens be judged as an attorney just on my case yet anyone who wants to consider working with Scura must be made aware of this. Scura pays more money in Google AdWords than any bankruptcy firm in the state of New Jersey. This marketing plan is designed based on education that they provide for free regarding the bankruptcy system. This is one of the most unethical and disgusting practices given the fact that their principal attorney and partner has submitted a false declaration in federal court, in order to further his best interest against his client. These are all factors that must come to light at the trial.

59. **Defendant 10: BUPM NJ Assets (Corporation)**

ROLE: Purchaser of Dalex Development

This company purchased my debt for my Wayne Plaza ("Dalex") as the third buyer when Mariners bank unsuccessfully sold the loan to Spencer Bank who then dumped the loan at a massive discount to this entity, who is a specialist in buying problematic loans. BUPM NJ Assets never one time responded to a single email of mine while taking \$4000 a month in protection payments post bankruptcy dismissal. The law firm that represented their client also denied any communication with me and went so far as to hide all of the money that they received from me while filing a motion to liquidate my property, which is criminal, since they fully received a significant payment every single month post bankruptcy dismissal, in order to avoid the sheriff sale. All of these facts were conveniently left out in order to push forth and liquidate my property while at the same time taking all of my money that I've made payments on, and never one time maintaining the plaza or even communicating with me as the owner. There are many violations in the truth of lending act, but none are as great as what this small entity has done to me and if it wasn't for the magic of emails, I never would have the proof to show the courts what these lenders are able to do once a judgment has been entered

60. **Defendant 11: Washington Street Investments (Corporation)**

ROLE: Purchaser of Market Street Holdings LLC

This corporate entity was the third purchaser of my Market Street Holdings property, which is located at 221 Washington St. in Newark New Jersey. At the latest appraisal. The value of the property is 1.1 million and currently the value is 1.3 to 1.5 million. Due to an unlawfully executed chapter 7 plan this property has been illegally transferred into another entity's hand without me going through the proper bankruptcy process, nor was this property allowed to be sold that sheriff sale, which was my intentions and my wishes. Washington Street investment at first offered to work with me when they purchased the loan and then when I wouldn't sign a religious-based document which I was not comfortable with signing, they reneged on their terms. As this case goes on, I will show you several laws that are broken by

the offering of religious-based documents in conjunction with financial transactions. There's nothing more to say on this matter since the rest of it will be displayed via emails and timelines of how the third purchaser of my Newark debt who paid no more than the original principle which was issued to me in 2017 even though they were over \$500,000 in legal fees they were racked up. This property was not just sold, but it was passed along like a hot potato because no one wanted anything to do with the debt since it stems from criminal activity.

61. Defendant 12: Jim Solakian (Individual)

ROLE: Lender of funds for Yenta LLC

Jim Solakian lent my corporation YENTA LLC \$500,000. As a conditional loan, Mr. Solakian demanded that I hire his son as well as perform various other duties and tasks outside the scope of the loan. Jim Solakian is in violation of the truth in lending act in multiple facets, as well as his commitment of fraud against my corporations, in retaliation to various YouTube videos that I have filmed. Yes, that is correct Jim Solakian is an 80 something year old man who has sent me over 500 of the most insane harassing emails one can imagine while demanding to constantly watch the YouTube Contin, and being fully obsessed with every word that I say. As I write before you today, Jim Solakian has not only sent me over 500 emails, but he has also committed various fraudulent act in order to make sure that I am personally hurt. It is impossible to describe the relationship I have with Mr. Solakian without referencing the most evil bad guy in some twisted 80s comedy who has absolutely zero remorse or regard for anyone else's personal life Only in order to enact a revenge plan. His motivation is unclear and he has already received the money back for what I owe him but this is all done fraudulently, and he is one of the most important pieces of this puzzle. As this case continues, this court will see that I have two very expensive business concepts. This is not the time to discuss that but Jim Solakian has a very important role to play in his cooperation with Alex Marin of Spencer Bank, as well as his long-standing relationship with Robert Saldutti. This relationship as well as the fact that his personal cousin Kensley, Ken, did the title work for the enter LLC property is evidence of just a baseline of the amount of self healing and illegal self interest communications that Jim Solakian engaged in

while perpetrating himself as the lender for my property. Jim Solakian is emotionally motivated and beyond emotionally invested and has worked very hard in order to use his position as a lender on a multi million dollar property in order to personally cause harm to me due to my fall out with his son, which was a condition of the loan. These conditions amongst many other factors, as well as me paying tens of thousands of dollars in origination fees, and several other fraudulent acts that Jim Solakian perpetrated against myself and my company's is just the very tip of the iceberg regarding this individual. You will hear that at one point Jim Solakian personally walked into my 60,000 square-foot storage facility and contacted almost every single one of the vendors, and told them that I will be bankrupt and going out of business as well as personally interfered with their actual businesses. Jim Solakian was not wrong. I did go bankrupt but I didn't go bankrupt by accident. There are human beings that have a personal vendetta against me for a multitude of reasons which I will display via the discovery process. Jim Solakian is one of the biggest violators of the truth in lending act as well as several other laws they were flagrantly violated, ignored in order to hurt, and harm me and my estate.

62. Defendant 13: Andre Kaydala, Esq. (Individual)

ROLE: Attorney representing Yenta LLC

This attorney represented via his law firm the Kadala law firm, as well as he personally made various comments to undermine my representation in bankruptcy court. As a last resort in order to save my Phillipsburg property from the fraud committed against me by Jim Solakian I turned to bankruptcy as a final means, in order to save the property. What happened after that is only believable by reading the emails in the court transcripts because Andre Kydala personally lied to the trustee and did not disclose the validity of his lack of involvement or knowledge that we had a dinner in possession account as well as full insurance on the property. This lack of disclosure caused the case to be dismissed, and Andre Kydala became vicious and adverse to all of my efforts to bring forth the truth to the courts. These actions are on

excusable, and must be accounted for in a public light such as this court, please let this serve as the same breakdown for who Andre Kydala is since he is a sole practitioner, who works in a rental office, and I decided to go with a small lawyer, since my experience with Porzio and scorer Were absolutely horrible yet I knew I needed representation. This is a nightmare that you see before you in conjunction with my bankruptcy filings. I wish the things that I'm typing are not true, but unfortunately everything is true, and all I request is a proper discovery schedule, and a chance to adjudicate this matter to show how all of these actors work together in conjunction with the court systems, in order to undermine all efforts for me to come out of the various crimes I was a victim of

63. **Defendant 14: Mo Phillipsburg Holdings LLC (Corporation)**

ROLE: Purchaser of Yenta LLC

The principles for this corporation, namely, Moishe worked closely with Jim Solakian in order to undermine any efforts that I had to save my buildings. This company not only has not cooperated with any and all efforts that I've made to investigate the criminal matters that are at the heart of it, they have broken into my facility. They have sent me threatening emails and letters as well as they have worked with people who owe my businesses hundreds and thousands of dollars and all of this is done with Jim Solakian in the background pulling the strings. I wish what I was saying is not true, but there are many people that I've taken advantage of in my demise in the public light, and this company is one of the best examples, nor do they have any regard for the law since they do not believe in the legal process.

64. **Defendant 15: Michael McManus (Individual)**

ROLE:

This man was a CFO and ran all operations on behalf of Mr. Daibes. Michael McManus was also instrumental in issuing a \$1 million commitment for my Phillipsburg property, Yenta LLC and he did this post felony conviction which clearly stated that he was not allowed to issue any legal loan commitments. His comment was the skies in the form of "east coast west coast funding" And this was in order to circumvent all banking regulations, which he was not

allowed to participate in to his felony conviction for running a fraud scam as the CFO of his previous bank. Just like Mr. Davis, Mr. McManus is pending more criminal charges and testimony is limited to what I can say.

Injury to business or property:

65. Real Property Located at 221 Washington Street, Newark, NJ (Bankruptcy Failure, Revenue Loss, Property Loss, Loss of Goodwill of customers and local residents, Jobs Lost)
66. Real Property Located at 1275 Rt 23 Wayne NJ (Bankruptcy Failure, Revenue Loss, Property Scheduled for Sheriff Sale, Loss of Goodwill of customers and local residents, Jobs Lost)
67. Real Property located at 340 Fleming Drive Phillipsburg NJ (Bankruptcy Failure, Revenue Loss, Property Loss, Loss of Goodwill of customers and locals residents, Jobs Lost)
68. Legal and Professional Fees wrongfully and fraudulently charged to Daniel M. Risis
69. Wrongful Judgments against Daniel M. Risis
70. Mental Anguish and trauma cause by the defendants
71. Business Concepts: Mikrobank & Cash Cow Interactive Self Storage are both multi-billion dollar concepts. All IP and public business related confirmation as to the value including a 3rd party valuation will be placed on the record as part of the second round of submissions in support of this filing. Both Concepts were destroyed from within. The actual loss that I personally sustained as a direct result of the actions of the defendants has cost me \$50,000,000 based on lost income, theft of IP, lost revenue, theft and slew of other criminal and civil violations

DAMAGES:

72. The total Sum owed is based on the aggregate theft value of the defendants as a class. A judge or a jury will decide all factors outside of the facts. My job is to present the courts with the facts and they are and had all the actors NOT conspired together, I, Daniel M. Risis would have not lost upwards of at least \$100,000,000.00, below is an approximate total of damages

- Wayne Property/Dalex \$20million dollars
- Newark Property/MSH \$20million dollars
- Phillipsburg Property/Yenta LLC \$25million dollars
- Business Concepts \$50million dollars
- Mental health damages \$20million dollars
- Legal and Professional Fees \$10million dollars

RELIEF

73. Defendant is seeking damages, jointly and severally, in an amount to be decided at trial but no less than \$100,000,000.00 (one hundred million)

74. Costs and expenses incurred in this action, including all attorney's fees, fees and disbursements.

75. Injunctive and other relief as well as Civil and Federal penalties for named defendants.

76. Release of all claims and Judgments against Daniel M. Risis

77. Immediate injunctive relief from any and all frivolous litigation brought forth against me personally as a result of this lawsuit

78. I want public recognition and the acknowledgement of no wrongdoing on my part as the entire conspiracy was aimed at discrediting my name

JURY DEMAND

79. Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff demands a trial by jury of all claims in this Complaint (and any amended Complaint hereto) so triable.

CERTIFICATION

80. Please see attached Certification of Daniel M. Risis

A handwritten signature in black ink, appearing to read 'Daniel M. Risis', is written over a horizontal dashed line.

Daniel M. Risis

19 Fordham Rd

Livingston, NJ 07039

daniel@mikrobank.com

(307) 388-9165

DATE: 8/4/23